The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 24.

BANGALORE, THURSDAY, JUNE 15, 1911.

PART II.

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Rule of Practice No. 148, *dated 2nd June* 1911.

The following rules regulating the grant of copies and the appointment of copyists in Civil Courts framed by the Chief Court in the exercise of the powers conferred by Section 652 of the Code of Civil Procedure are issued in supersession of the rules contained in Rule of Practice No. 111, dated 8th September 1902, and the *addenda et corrigenda* subsequently issued :—

1. Every application for a copy shall be made to the Judge of the Court in which the record containing the document is. When such record has been despatched to the Central Record Room, the application shall be forwarded to the Officer in charge and it shall thereupon be the duty of that officer to inform the Court what fees are required for the copy. When requisite fees have been forwarded to the Officer in charge of the Central Record Room, the copy shall be made without delay and shall be sent by post to the Court for delivery to the applicant. If the applicant so prefers, the application may be endorsed as admissible and returned to the applicant for presentation to the Officer in charge of the Central Record Room. Any fees received at the Central Record Room shall at once be credited in the Cash Book of the Officer in charge and shall be retained by the Nazir pending payment to the copyists or return to the applicant.

2. The application shall be presented by the applicant in person or by his pleader, or by his pleader's registered gumasta to the Head Ministerial Officer or such other officer as the

Court may appoint for this purpose, between the hours of 11 A.M. and 3 P.M. Every application shall set out:—

(*a*) the name of the applicant and his position (if any) in the suit or proceeding; also the name of his pleader and of his pleader's registered gumasta (if any);

(*b*) the description of the document of which a copy is required; and

(*c*) whether the copy is to be made on three-pies paper or on ordinary paper.

3. Any application not containing the particulars required to be specified under Rule 2 is not to be admitted until it is amended in respect of the matters in which it is defective.

4. Parties to a suit are entitled at any stage of the proceedings to obtain copies of the record of the suit, including exhibits which have been admitted in evidence.

5. A stranger to a suit may *after decree* obtain as of course copies of the plaint, written statements, affidavits and petitions filed in the suit and of the depositions of witnesses and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents *before decree*.

6. A stranger to a suit may also obtain as of course copies of judgments, decrees or orders at any time after they have been passed or made.

7. A stranger to a suit wishing to obtain copies of exhibits admitted in evidence must apply by petition specifying the purpose for which such copies are required, and the Court may order the grant of the same.

8. Copies of the Judge's minutes, of correspondence not strictly judicial and generally of any confidential proceedings will not be granted.

9. When any party to a suit applies for a Kanarese translation of a decree which has been drawn up in English, such translation shall be granted on payment of the ordinary copying fees.

10. Where any doubt arises as to whether the document, of which a copy is applied for, is one of which a copy can or ought to be granted, the Head Ministerial Officer or other officer, as the case may be, shall obtain the order of the Judge. If the application is refused by the Judge it will be returned to the applicant with the order of refusal endorsed thereon.

11. As soon as an application is admitted it shall be passed on to the examiner and shall be entered in the register of applications for copies. Where any application shows the date of institution but not the date of disposal of the connected record, the latter date will be ascertained by the officer receiving the application and will be noted on the application before it is passed on.

12. When an application has been registered, the record shall at once be obtained by the examiner from the Record-keeper or clerk in whose possession it is, and the applicant shall be informed as soon as practicable of the amount of fees and of the cost of paper (if any) required for the copy. He shall also be informed that the preparation of the copy will not be put in hand until the full amount of the fees and costs has been paid.

13. Copying fees shall be calculated at the rate of one anna and eight pies for every hundred words or fraction thereof (whether English or Kanarese), five figures being taken as equivalent to one word. The term 'fees' includes fees for examining the copy; also the cost of writing materials and (except when the copy is made on three-pies paper) the cost of the paper which should be of a durable quality.

14. In calculating the amount of fees chargeable it is not necessary to count all the words to be copied. It will be sufficient to compute their number as nearly as possible. Any additional fees required may be called for afterwards and any excess fees will be refunded to the applicant. Where the copies applied for are of maps, plans or geneological trees they shall be prepared by skilled labour. A reasonable fee (proportionate to the skill, labour and time occupied in preparing the copy) shall in each case be fixed by the Court and deposited in cash by the party applying, in the same manner as for a commissioner under the Code of Civil Procedure. And the whole of such fee shall be paid to the person employed in preparing the copy, he supplying his own materials. Such copies may be prepared by licensed copyists if, in the opinion of the Court, they are competent for the work.

15. All fees, etc., deposited shall at once be entered by the examiner in his register and a receipt in the prescribed form shall be filled in and made over to the applicant. At the same time the examiner shall fix and intimate to the applicant a date not exceeding ten days ahead on which he should attend to ascertain whether the copy is ready or whether any further advance is required. Should the copy not be complete on the date so fixed the applicant shall be directed to attend on another date not exceeding ten days from the first date and so on. The successive dates on which the applicant is told to attend and on which he attends shall be entered on the receipt.

16. The preparation of copies shall, as far as possible, be undertaken in the order in which the applications are made, but precedence shall be given to the preparation of copies which are urgently required for the purpose of instituting suits, appeals or other proceedings or for the purpose of pending suits, appeals or other proceedings.

17. When the copy applied for has been prepared by the copyist it shall be compared by the examiner aided by a reader who may be a copyist, but in no case shall a copy be read to the examiner or the examiner be in any way assisted by the copyist who prepared the copy. If in any Court the realizations from fees do not admit of a separate examiner being appointed, the best qualified of the copyists will be selected for this work. No copies will be examined by any salaried official of the Court nor shall such official receive any remuneration therefor.

NOTE.—For the purpose of this rule 'fees' include fees realized in connection with Criminal cases.

18. The system of dividing the total amount of earnings of the several copyists attached to a Court equally among them irrespective of the quantity of work done is prohibited. Each copyist and examiner will receive only what is actually earned by him The Officer in charge of the copying establishment shall be responsible for the work of copying and that of reading to the examiner being distributed equally among the licensed copyists. No person who is not a licensed copyist shall be employed in the preparation of copies, and in order to ensure legible writing not more than 15 pages should as a rule be given daily to each copyist. The fee of one anna and eight pies realized under Rule 13 shall be appropriated as under:—

Copyist 16 pies—Examiner 4 pies.

At the close of each day all records and all undelivered copies shall be taken back from the copyists and secured for the night by the Head Ministerial Officer or such other Officer as the Court may direct in that behalf. Fees paid by applicants should remain in charge of such officer of the Court as may be deputed for the work and should on no account be made over to the copyists.

19. When a copy is ready it shall before delivery be certified and sealed in the manner prescribed by Section 76 of the Evidence Act. The certificate that it is a true copy shall be signed by the Head Ministerial Officer who shall initial every alteration or correction. The practice of making erasures by scratching out or otherwise effacing words is strictly prohibited. Corrections should be made by drawing a pen through the word to be cancelled and by writing the substituted word above the word so cancelled. If the copy has been made upon three-pies paper the Head Ministerial Officer shall at the same time recover the requisite Court fees unless the copy is required for private use, in which case the fees chargeable on copies are remitted. Court fee labels shall be affixed to the first page of the copy and shall be cancelled by punching out with a square punch a portion of each label in such a manner as to remove neither the figure head nor that part of the label upon which the value is expressed. The copy (if stamped) shall then be passed on to the clerk in charge of the Daily Register of Court fees who will make the necessary entries in his register and return the copy for delivery to the applicant.

In the case of copies issued by the Officer in charge of the Central Record Room a similar procedure will be observed.

20. When copies have been delivered the records shall at once be returned to the Record-keeper or clerk from whom they were obtained.

21. Copies will be delivered to the applicants concerned between the hours of 11-30 A.M. and 3 P.M. if the copies or any unexpended fees are not claimed within 12 months from the date on which the copies were ready for delivery, such copies shall be destroyed by or in the presence of the Judge and any unexpended fees will be credited to Government, a note to that effect being made in the Register of applications for copies. The said fees should be drawn on cheques from the Nazir's personal deposit account and credited by transfer to XIV A. Law and Justice, (4) Savings and refunds.

22. Every copy shall bear an endorsement showing the following particulars:—

(1) Copy applied for on the
(2) Applicant told to appear on the
(3) Applicant appeared on the
(4) Copying stopped for want of funds on the
(5) Second and subsequent advances paid on the
(6) Copy ready on the
(7) Copy delivered on the
(8) Copied by
(9) Examined by
(10) Copying charges

The dates referred to in this rule shall be expressed in figures not in words and all corrections shall be properly attested. When certifying a copy the Head Ministerial Officer shall satisfy himself that these entries have been correctly made.

23. In case any applicant shall desire to have his copy sent to him by post the copy can be forwarded by registered packet if the required charges are available, otherwise by post bearing. In every such case 'Copy posted' shall be substituted for 'Copy delivered' on the endorsement referred to in Rule 22, and in columns 13 and 14 of the Register of applications for copies the date of despatch will be entered and the signature of the despatching clerk taken.

24. The presiding Judge of each Court shall examine the Register of applications for copies at least once a month, particular attention being paid to ascertaining that applications for copies are complied with without any undue delay, that charges for copying and examining are properly levied, that no excess fees are charged and that the copying work is so distributed as to ensure, as far as possible, an equal income to all the copyists.

25. A fixed number of copyists and an examiner (when necessary) will be appointed by the presiding Officer of each Court. The number should be so regulated as to ensure for each copyist a monthly income of not less than Rs. 10 and for an examiner not less than Rs. 12. As a rule no one should be appointed as a copyist unless he is a passed candidate acquainted with English and Kanarese and is able to write a good hand and preference should be given to candidates who are proficient in typewriting.

26. The Judge of every Court subordinate to a District Court shall, at the commencement of each quarter, submit a statement showing the names of copyists employed in his Court, the amount of fees earned by each, the number of applications received, the number disposed of and the number pending with the date of the oldest pending application. Any marked difference in the sums earned by different copyists and any undue delay in the disposal of applications should be explained in the column of remarks. The District Judge will forward the statements to the Chief Court together with a similar statement for his own Court.

27. If the Judge finds that there is more work that can be performed without undue delay by the copyists attached to the Court he may increase the number. If the fees collected are not sufficient to ensure to each copyist and examiner the minimum income mentioned in Rule 25 he may curtail the number. Such increase or decrease shall be subject to the approval of the District Judge or the Chief Court, as the case may be.

28. The granting of copies in all Civil Courts, including those exercising Criminal powers, shall be governed by these rules, and there shall be only one establishment of copyists and examiners for both sides of the Court.

29. These rules apply *mutatis mutandis* to the copying establishment of the Chief Court, the powers conferred on Judges under the rules being exercised by the Registrar or such other responsible officer as the Chief Judge may direct.

30. Nothing contained in these rules shall apply to printed copies or to copies which, under any provision of law or rule having the force of law, the Courts are required to grant free of cost. Copies which have to be granted free of cost shall be made by the regular establishment of the Courts.

Register of applications for copies.

Serial number	Date of application	Name of applicant	Description of document of which copy is applied for	Date or dates on which applicant was told to appear	Date or dates on which applicant appeared	Amount of first advance	Date on which copying was stopped for want of funds	Date on which further advance was made	Amount of further advance	Date on which copy was ready	Cost of preparing copy	Date of delivery or despatch by post to applicant	Signature of applicant or despatching clerk	Unexpended balance			
														Amount	Date of deposit with Nazir	Date of final disposal	
																By refund to applicant	By credit to Government as lapsed
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

RECEIPT FOR COPYING FEES.

(To be produced at the time of appearing to take delivery of copy.)

Name of applicant.....

Description of document .....

Dates of pa ymets of advances	Amount advanced from time to time	Date on which the applicant is told to appear	Initials of examiner	Date on which the applicant appears	Copying stopped for want of funds	Balance returned
1	2	3	4	5	6	7

Col. 1. Date of each payment should be separately noted.

Col. 2. Amount of each payment should be separately noted.

Col. 3. Each date fixed for appearance should be noted.

Col. 4. Each set of entries in columns 1 to 3 should be initialled.

CIVIL SIDE.

Corrigendum, dated 9th June 1911, to Civil Rule of Practice No. 147, dated 7th November 1910.

The Chief Court directs that the undermentioned foot notes appended to the statements I to IV prescribed by the above Rule of Practice be struck out..

Foot note No. 3 to statement No. I.

Foot note to statement No. II.

Foot note No. 2 to statement No. III.

Do do IV.

V. A. RAJARATNA MUDALIAR,
Registrar.

CHIKBALLAPUR DIVISION.

Dated 19th May 1911.

Notice is hereby given that the below-noted bonds and articles produced in Criminal Case No. 15 of 1910-11 on the file of this Court will be at the disposal of Government if not claimed within six months from this date :—

One bond dated 29th July 1910, executed by Venkatiga in favor of Sakamma, murdered in Lakshmisagara village, Gudibanda Sub-Taluk, for Rs. 22.

One bond dated 8th July 1910, executed by Chik Mamoo Saib in favor of Sakamma, murdered in Lakshmisagara village, Gudibanda Sub-Taluk, for Rs. 30.

One silver belt (dabu).

One nose-screw.

One silver button.

Cash one rupee and eight annas.

ANANDA RAO SIRSI,
Sub-Divisional Magistrate.